

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004-161646

PROJECT MANAGER: Dale J. Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: January 20, 2005
At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Kenosha

Center coordinates of site by latitude & longitude: 42.6565098151N, 87.8163438752W

Approximate size of site/property (including uplands) in acres: 30

Name of waterway or watershed: Pike/Root,

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)		1.9 Borrow Pit							

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): **A wetland delineation report prepared by a private consultant was received for concurrence and jurisdictional review. The delineation report identified two wetland complexes at the subject property. The project site is currently in agricultural production. The first 1.9 acre wetland complex was described as a lowland hardwood fringe surrounding a manmade pond/abandoned borrow pit. A review of the local soil survey, 2000 aerial photography, and the USGS quadrangle indicate that this wetland complex lacks a surface water connection and adjacency to a water of the United States. In addition, a connection between this wetland and interstate commerce could not be established.**

The second 1.5 acre wetland was identified along a drainage way. The drainageway is tributary to the Pike River, which is tributary to Lake Michigan, a navigable water of the United States and is therefore subject to Corp jurisdiction pursuant to Sec. 404 of the Clean Water Act.

The delineation report indicates that the property is under consideration for residential development. Specific development plans were not provided.